

From: Ron Trenka
To: Microsoft ATR
Date: 1/23/02 4:12pm
Subject: Microsoft Settlement

My name is Ron Trenka and I am the Senior Programmer for a web agency.

I am sending this in response to the Tunney Act's provision for public comments upon the Microsoft Settlement.

About Browsers

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In regards to the argument that "Microsoft gives its browser (IE) away for free. How does that hurt consumers?", it is a false statement. IE has code built-in that make is "work better" with the Microsoft OS. It encourages the user to work on an MS platform to get the full "user experience".

It also is not free.. not by a long shot. While the consumer doesn't pay for the browser, the providers do. When I started out at the beginning of the DotCom craze, nearly all the machines serving web pages were Unix/Linux based. Now, nearly all the machines are Microsoft NT based. Why? Its not a price issue. The hardware costs run about the same. Its not the price of software. Webserver software for both Unix and NT are both free (for Unix Apache is the most popular, while IIS is included in the NT platform). It is because the NT platform includes proprietary software that makes IE display pages better and faster.

So Microsoft's dominance expanded into the server market largely by their inclusion of "free" software on the consumer platform. Free for the consumer, perhaps, but not for the businesses.

Microsoft also has been guilty of their "Embrace and Extend" policy of various software standards, taking open standards and corrupting them into Microsoft-only standards. Java is the most visible of this (and the basis for Microsoft losing the Sun vs. Microsoft lawsuit, for which Microsoft has excluded Java from their OS, effectively killing it), but others exist. As a programmer for the web, I deal with this every day. We must have machines with all versions of Windows and IE, in addition to the other browsers to insure that our clients all see the same things. The cost for this testing must be passed on to our clients. Microsoft continues to receive criticism from the W3C for lack of following the published standards.

The Department of Justice has proposed a settlement that does not address any of these issues. It does not prevent Microsoft from adding more proprietary "features" into nor does it stop MS from tying it more tightly to Windows. Nor does it prevent MS from tying other software packages to their OS. It does not prevent MS, for example, making their Office Suite of software part of the OS, effectively locking out other word processors & spreadsheets from Windows (why pay for it when it is "free"?).

The only really effective way of preventing this is to come up with a definition of an OS and force Microsoft to remove IE from the OS and include it as a separate piece of software that can be installed and removed at the user's choice. There is no reason why they can't continue to include the software with their Windows OS, but they must allow computer vendors to include other browsers (such as Mozilla or Opera). They must also acknowledge that it is software and not part of Windows (or any OS), treat it accordingly and prevent tying in the future.

About Security

Over a billion dollars last year was spent to fix security holes in computers running Microsoft's OS. A billion dollars. Microsoft's response? "We'll get it right next time." No liability for their obvious (and admitted) repeated mistakes (the same security hole that was in 95 was released in 98, then 2000 and now in XP..). No recourse for businesses but to hire large IT staffs to keep up with the numerous patches and hot fixes that Microsoft continuously releases. And yet people with Windows are still constantly victims of virus attacks. Microsoft needs to be held liable for these lapses that the world is constantly paying for. The DOJ settlement proposal addresses none of this.

About Innovation

As found in the Finding of Facts, Microsoft has constantly been an opponent of innovation, contrary to their self-proclamations. If someone comes out with a software or idea that threatens Microsoft's "vision of the world", they browbeat, threaten, purchase or "embrace and extend" the idea out of existence. Look at WebTV. A couple of years ago, they were an up and coming company allowing consumers to browse the web on their TV set without the need for a computer. Microsoft purchased them and now where are they? Another threat gone. The DOJ Settlement does not address this. Other companies cannot compete with Microsoft as they do not have access to the Windows APIs. The DOJ Settlement touches on this, however the loopholes are so large as to be able to drive a truck through. All Microsoft need to do is claim a "security concern" and they can refuse to divulge the API. Given Mr. Gates recent memo to Microsoft employee to make security their #1 priority, I view this loophole with a great amount of suspicion.

In Conclusion

In general, the DOJ's settlement doesn't address any of the things that Microsoft was found in violation of; releases Microsoft from liabilities for their actions; and does nothing to prevent Microsoft from continuing those same actions in the future. I urge you to reject the settlement in favor of something more stringent.

Thank you for your time;
Ron Trenka
Technical Director
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